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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/057,077 | 01/23/2002 | Dennis Lee Nelson | | 3348 |

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EXAMINER

ZEADE, BERTRAND

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,077

Applicant(s)

NELSON, DENNIS LEE

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/04/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labranche (U.S. 5,226,709) in view of Andreasen (U.S. 5,126,922).

Labranche ('709) discloses a lighting arrangement for Christmas trees having:

Regarding claim 1, an illuminator for emitting light (52); a plurality of main fiber optic cables (14, 18) having a first end or surface (50) and an opposite second end (see fig. 6), each first end connected to the illuminator or planting pot (34); a corresponding plurality of connectors wherein one of the connectors or collar (16) is connected to the second end of each main fiber optic cable (14); a corresponding plurality of end fiber optic cables (18, 14) wherein the end fiber optic cable is connectable to the connector or collar (16); so as that when the illuminator emits light, the light travels through the plurality of main fiber optic cables to the plurality of end fiber optic cables (13, 18).

Regarding claim 2, the main fiber optic cable selectively connected to the illuminator or planting pot (34).

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Regarding claim 4, the end fiber optic cables are selectively attachable to the connectors or collar (16).

Regarding claim 5, the illuminator (52) programmable to output a plurality of lighting effects.

Regarding claim 6, the end fiber optic cable (18) including a plurality of tree-like branches (14).

Regarding claim 7, the tree-like branches (14) terminating in a light emitting decoration which represent a predetermined theme (see figs. 1-2a).

Regarding claim 8, the end fiber optic cable including a light emitting decoration which represent a predetermined theme (see figs. 1-2a).

Regarding claim 9, the optic lighting system permanently attaching the main fiber optic cable (18) and the end connectors (16) to a structure (see figs. 1-2a)

Regarding claim 10, a plurality of fiber optic connectors (16) disposed along the plurality of main fiber optic cables (14, 18) between the illuminator (52) and each connector (16).

Regarding claim 11, the plurality of connectors or collar (16), and a portion of the plurality of main fiber optic cables (18) between the fiber optic connector (16) and the connector, permanently installed on a structure (figs. 1-2a, 6).

Regarding claim 12, the method of providing a fiber optic lighting system including an illuminator (52) for emitting light, a plurality of main fiber optic cables (18,14) having a first end and an opposite second end, each first end connected to the illuminator or planting pot (34); a corresponding plurality of connectors (16)

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wherein one connector is connected to the second end of each main fiber optic cable (18); a corresponding plurality of end fiber optic cables (14, 18), wherein the end fiber optic cable (14/18) is connectable to the connector or collar (16); so that when the illuminator (52) emits light, the light travels through the plurality of main fiber optic cables (14) to the plurality of end fiber optic cables (13, 18), and attaching a first end fiber optic cable to the connector or collar (16).

Regarding claim 13, providing a second end fiber optic cable (14/18); removing the first end fiber optic cable and attaching the second end fiber optic cable to the connector (16).

Regarding claim 14, the method of permanently attaching the main fiber optic cables (14, 18) with the connectors or collar (16) to the structure.

Labranche ('709) does not disclose an umbrella.

Andreasen ('922) discloses an illuminated umbrella having:

Regarding claims 1, 12, a corresponding plurality of umbrella connectors (see figs. 1-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made it will be obvious to construct a structure identical to Labranche's lighting arrangement for Christmas trees with the umbrella disclosed by Andreasen ('922) for the benefit and advantage to provide an umbrella in which it is possible to obtain a more uniform illumination of the inside of the cover than previously possible, because with this arrangement, the inside of the cover is illuminated by two mutually independent lighting spreading devices, making it substantially easier to provide a uniform illumination of the inside of the umbrella.

Response to Arguments

1. Applicant's arguments filed 06/04/2003 have been fully considered but they are not persuasive.
2. Applicant has amended his/her claims in order to overcome the claimed rejection, the references cited above are still reading over Applicant's claimed invention.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information.

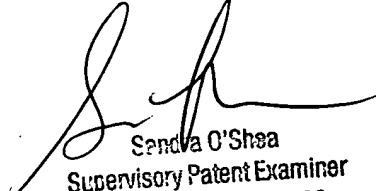
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on 8:00 AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Bertrand Zeade
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800